

Order

Michigan Supreme Court
Lansing, Michigan

July 1, 2020

Bridget M. McCormack,
Chief Justice

160457

David F. Viviano,
Chief Justice Pro Tem

In re DIEHL, Minor

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Petitioner-Appellant,

v

SC: 160457
COA: 345672
Oakland CC Family Div:
2017-855352-DL

T.J. DIEHL,
Respondent-Appellee.

On order of the Court, the application for leave to appeal the September 19, 2019 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the Juvenile Code, MCL 712A.1 *et seq.*, allows a family court to revoke its previous authorization of a juvenile delinquency petition over the objection of the prosecution; (2) whether MCL 780.786b provides family courts with the independent authority to remove an already authorized delinquency matter from the adjudicative process without the prosecution's consent; (3) whether the family court's decision to "unauthorize" two delinquency petitions encroached on the prosecution's charging authority in violation of the Separation of Powers Clause, Const 1963, art 3, § 2; and (4) to the extent that the family court erred, whether that error was harmless, MCR 3.902(A); MCR 2.613.

In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

The Criminal Defense Attorneys of Michigan, the Prosecuting Attorneys Association of Michigan, and the University of Michigan Law School Juvenile Justice Clinic are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 1, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk